

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**METROPOLITAN LIFE INSURANCE)
COMPANY,)**

Plaintiff,)

vs.)

**CASE NO. 3:15-0076
JUDGE TRAUGER/KNOWLES**

**JERRY W. RAINES)
DONNA G. PURCELL)
CHRISTIE L. RAINES)
WANDA S. SMITH)**

Defendants.)

REPORT AND RECOMMENDATION

This matter is before the Court upon Plaintiff's "Motion to Pay Funds Into the Court and For Order of Dismissal With Prejudice." Docket No. 19. Defendants have not filed a Response to the Motion.

This is an ERISA interpleader action filed by Plaintiff. Docket No. 1. Plaintiff states that decedent, James E. Raines, was a participant in the United States Steel Corporation Plan for Active Employee Insurance Benefits, an ERISA-regulated employee welfare benefit plan sponsored by United States Steel and funded by a group life insurance policy issued by Plaintiff. Plaintiff avers that it has paid some benefits as a result of decedent's death, but there is still approximately \$8,000 in remaining benefits, and there is a dispute among Defendants as to who should receive that money.

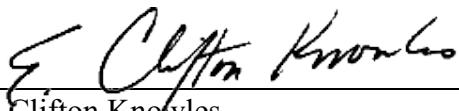
In the instant Motion, Plaintiff seeks to pay to the Clerk of this Court the disputed funds

of approximately \$8,000 plus any interest due and owing if applicable under the terms of the Plan. Plaintiff requests that, upon payment of those funds, it be dismissed with prejudice from this action.

Local Rule 7.01(b) provides in relevant part, “Failure to file a timely response shall indicate that there is no opposition to the motion.”

For the foregoing reasons, the undersigned recommends that the instant Motion be GRANTED, that Plaintiff be allowed to pay the disputed life insurance benefits, plus interest if applicable, to the Clerk of this Court, and that Plaintiff be dismissed from this action with prejudice.

Under Rule 72(b) of the Federal Rules of Civil Procedure, any party has fourteen (14) days after service of this Report and Recommendation in which to file any written objections to this Recommendation with the District Court. Any party opposing said objections shall have fourteen (14) days after service of any objections filed to this Report in which to file any response to said objections. Failure to file specific objections within fourteen (14) days of service of this Report and Recommendation can constitute a waiver of further appeal of this Recommendation. *See Thomas v. Arn*, 474 U.S. 140, 106 S.Ct. 466, 88 L. Ed. 2d 435 (1985), *reh’g denied*, 474 U.S. 1111 (1986); 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72.



E. Clifton Knowles
United States Magistrate Judge